

Message Text

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ACTION EA-07

INFO OCT-01 ADP-00 SCS-01 SCA-01 SY-07 L-03 H-01 CIAE-00

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7725

C O N F I D E N T I A L MANILA 10031

E.O. 11652: GDS

TAGS: CASC, RP (LEHMAN, AUGUST MCCORMICK, JR.)

SUBJ: W/W: AUGUST MC CORMICK LEHMAN, JR.

REF: MANILA 9424

1. DURING AMBASSADOR'S INITIAL CALL ON SECY OF NATL DEFENSE PONCE ENRILE ON AUG 16, PONCE ENRILE CONFIRMED THAT FILING OF FORMAL CHARGES AGAINST HAD BEEN APPROVED AS OF DAY PREVIOUS. HE DID NOT ELABORATE AS TO SERVING OR ACTUAL FILING OF CHARGES. PONCE ENRILE SAID THAT PRESIDENT MARCOS WOULD WANT AMBASSADOR TO BE ASSURED THAT LEHMAN WILL NOT BE "HURT" -- AN EVASION OF LEGAL PRECISION OF WHICH THE SECY MUST HAVE BEEN CONSCIOUS AND WHICH EMBASSY CANNOT INTERPRET BEYOND FACT IT SEEMS TO GUARANTEE AGAINST EXTREME PENALTIES.

2. EMBASSY HAD BEEN INFORMED EARLIER THAT SERVING OF CHARGES AGAINST LEHMAN AND BRINGING HIM TO TRIAL WOULD BE DELAYED SOME WEEKS AND POSSIBLY MONTHS BECAUSE OF REQUIREMENT TO PUBLISH CHARGES AGAINST THOSE CO-CONSPIRATORS WHO ARE NOT IN PHILIPPINES AND WHO WILL BE TRIED IN ABSENTIA. HOWEVER, IN CONVERSATION WITH ACTING POLITICAL COUNSELOR AUG 30 (MANILA 9962) MACARAIG OF JUSTICE DEPT INDICATED POSSIBILITY THAT TRIAL MAY BE HELD IN CIVILIAN COURT AND BEGIN QUITE SOON.

3. IN COMPANY WITH ATTORNEYS LUIS GUERRERO AND VICENTE A.

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TORRES OF LAW FIRM OF COLLAS & GUERRERO, EMBOFF VISITED

LEHMAN AT FT BONIFACIO ON AUG 31. ATTORNEYS DISCUSSED FEE WITH LEHMAN AND QUERIED IF HE WISHED ENGAGE THEIR SERVICES. (FEE ASKED IS \$3,000 IN ADVANCE AND \$3,000 IN EVENT ACQUITTAL, DEPORTATION OR MINIMAL SENTENCE; HOWEVER FEE APPEARS NEGOTIABLE.) LEHMAN RELUCTANT TO COMMIT HIMSELF WITHOUT CONSULTING HIS FATHER. EMBOFF AGREED ACT AS INTERMEDIARY (BUT NOT AGENT) IN PUTTING FACTS TO FATHER AND PUTTING HIM IN TOUCH WITH LAW FIRM IF HE WISHED PURSUE MATTER OF PRIVATE LEGAL REPRESENTATION.

4. LEHMAN HESITANT ABOUT ENGAGING ATTORNEY NOT ONLY BECAUSE OF COST TO PARENTS BUT ALSO BECAUSE HE UNDER IMPRESSION THAT TRIAL WILL PROCEED MORE FAVORABLY IF HE ACCEPTS ONLY TRIBUNAL-APPOINTED MILITARY DEFENDER. ATTORNEYS GUERRERO AND TORRES, WHO ARE WELL AND FAVORABLY KNOWN TO EMBASSY, DO NOT BELIEVE THIS. THEY THINK THAT PRIVATE ATTORNEY CAN MAKE A VIGOROUS AND EFFECTIVE DEFENSE IN WAY THAT MILITARY DEFENDER OR COURT-APPOINTED CIVILIAN ATTORNEY CANNOT DO. PURNELL

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